

MDEStat Meeting

April 2, 2012



Robert M. Summers, Secretary

Sue Battle-McDonald, Stat Director

Table 1: Coal Production

Mining Method	Allegany County	Garrett County	Total
Strip	1,311,898.14	711,166.09	2,023,064.23
Deep	.00	468,125.24	468,125.24
Auger	.00	.00	.00
TOTALS	1,311,898.14	1,179,291.33	2,491,189.47

Table 2: Employees²

Type of Mine	Allegany County	Garrett County	Total
Deep	0	65	65
Strip	154	145	299
TOTALS	154	210	364

¹Obtained from reports submitted by Maryland mining operators.

²These figures do not include office, supervisor personnel, or independent truck haulers.

Table 3: Reclamation Results, CY09

Bond Release Phase	Applicable Performance Standard	Acreage Released
Phase I	<ul style="list-style-type: none"> •Area restored to approximate original contour •Topsoil replaced •Area seeded and mulched •Completion of all reclamation work on the permit or the open acre limit is reduced 	228
Phase II	<ul style="list-style-type: none"> •Revegetation established in accordance with approved reclamation plan and standards for success of revegetation met •The lands are not contributing suspended solids to stream flow or runoff outside the permit area •Temporary drainage control structures are removed or all permanent structures are inspected and approved •Land Reclamation Committee has inspected and approved the revegetation on the area 	387
Phase III	<ul style="list-style-type: none"> •Post-mining land use/productivity restored •Successful permanent vegetation established •Groundwater recharge, quality and quantity restored •Surface water quality and quantity restored •Applicable bond liability period has expired 	299

**Table 4: Summary of Land Mined, Backfilled, and Planted
By Geological Basin** *(continued on next slide)*

	Permitted	Affected	Backfilled	Planted	Bond Released*
<u>CY09 ACRES</u>					
Allegheny County:					
Georges Creek Basin	76.00	137.50	136.00	136.00	154.00
Garrett County:					
Georges Creek Basin	3.00	10.00	19.00	19.00	53.00
Potomac River Basin	63.00	106.00	95.00	95.00	90.00
Casselman River Basin**	21.40	0.00	0.00	0.00	0.00
Cherry Creek Basin	0.00	0.00	0.00	0.00	0.00
Upper Yough Basin	0.00	0.00	0.00	0.00	0.00
Lower Yough Basin	0.00	0.00	0.00	0.00	0.00
TOTAL GARRETT COUNTY	87.40	116.00	114.00	114.00	143.00
TOTAL BOTH COUNTIES	163.40	253.50	250.00	250.00	297.00

**Table 4: Summary of Land Mined, Backfilled, and Planted
By Geological Basin**

	Permitted	Affected	Backfilled	Planted	Bond Released*
<u>ACRES CUMULATIVE FROM JANUARY 1, 1975 - DECEMBER 31, 2009</u>					
Allegany County:					
Georges Creek Basin	8,305.30	6,896.50	5,770.47	5,834.30	5,424.00
Garrett County:					
Georges Creek Basin	3,185.00	2,832.95	2,543.80	2,802.81	2,891.60
Potomac River Basin	5,574.00	4,713.70	4,134.00	4,210.40	278.00
Casselman River Basin**	1,438.00	1,135.00	1,260.50	1,142.20	1,265.80
Cherry Creek Basin**	667.00	671.50	578.90	545.80	659.95
Upper Yough Basin	216.00	157.35	215.35	189.30	261.50
Lower Yough Basin	1,335.00	914.00	1,135.06	1078.16	855.40
TOTAL GARRETT COUNTY	12,415.00	10,424.50	9,867.61	9,968.67	6,212.25
TOTAL BOTH COUNTIES	20,720.30	17,321.00	15,638.08	15,802.97	11,636.25

*Total Bond Release by the Bureau

**Total Casselman Geological Basin

Table 5: Mine Foreman and Fire Boss Examinations and Certifications

YEAR	<u>APPLICANTS EXAMINED</u>		<u>APPLICANTS CERTIFIED</u>	
	Mine Foreman	Fire Boss	Mine Foreman	Fire Boss
2009	5*	0	5*	0
2008	0	8	0	9(1)*
2007	1	12	1	12
2006	6	5	11 (5)*	5
2005	0	0	0	0
2004	1	4	3	4
2003	0	0	0	0
2002	12	2	12	2
2001	0	0	0	0
2000	14	8	14	8
1999	17	5	17	5
1998	13	5	13	5
1997	18	5	18	5
1996	0	0	4	0
1995	0	0	14	0

(#)* Certifications issued in accordance with the reciprocity agreement between West Virginia and Maryland.

Table 6: Percentage of Permits Issued Within Standard Turnaround Times

	FY08	FY09	FY10	FY11	FY12 through 12/31	Total Number Issued in FY11
Coal Mining	NA	81%	100%	88%	86%	8
Non-Coal Mining	100%	90%	79%	88%	75%	90
Oil and Gas Exploration and Production	97%	100%	NA	14%	100%	35

Table 7: Oil and Gas, Non-Coal Mining and Coal Mining Inspections FY11-FY12 through 12/31/11

Permit Type	Number of permits in effect	Number of sites inspected in FY11	Number of sites inspected in FY12 through 12/31	Range of target inspection frequencies (eg 6-12 months, 2-3 years, etc)	Percentage of sites in this category for which target inspection frequency was met in FY11	Name and last inspection date of site that has remained uninspected by MDE for the longest period of time
Oil and Gas Exploration – sites in production mode	7	5	0	12 months	71.4%	54-GO-0006 (9/28/2000)
Oil and Gas Exploration – sites not in production	4	3	0	12 months	75%	73-GO-0100 (1/31/2005)
Non-Coal Mining	324	316	198	4-12 Months	?-Unable with current database	78-SP-0436 (9/9/2010)
Coal Mining	62	62	62	30-90 days	100%	Permit #335 on 11/18/11

**Table 8: Inspection and Enforcement Activities
2005-2009**

TYPE OF ACTION	2005	2006	2007	2008	2009
Inspections	1,019	934	972	970	773
Notices of Violations	26	70	8	9	7
Cessation Orders	0	32	2	0	0
Citizen Complaints	30	27	33	14	18
Bond Forfeitures	0	1	12	0	0

Table 9: LMA's Projected Numbers of CAFOs Registered

Date	Expected Number of CAFOs Registered
9/30/11	2 PW x 1 permit/week x 16 weeks = 32 + 74 = 106
12/31/11	2 PW x 1 permit/week x 13 weeks = 26 + 106 = 132
3/31/12	3 PW x 1 permit/week x 13 weeks = 39 + 132 = 171
6/30/12	3 PW x 1 permit/week x 13 weeks = 39 + 171 = 210
9/30/12	3 PW x 1 permit/week x 13 weeks = 39 + 210 = 249
12/31/12	3 PW x 1 permit/week x 13 weeks = 39 + 249 = 288
12/31/13	3 PW x 1 permit/week x 52 weeks = 156 + 288 = 444
3/31/14	3 PW x 1 permit/week x 13 weeks = 39 + 444 = 483

Table 10: CAFO Registration Process (continued on next slide)

	8/19/11	9/9/11	9/16/11	9/23/11	11/7/11	1/3/12	2/27/12	3/26/12
1. Total number of NOIs received	595	596	594	595	597	600	596	599
1a. Total number of CAFO NOIs	471	471	471	471	471	473	466	465
1b. Total number of MAFO NOIs	97	98	98	98	97	98	99	99
1c. Number of NOIs withdrawn	27	27	27	27	29	29	31	35
2. Number of CAFOs with NOI & CNMP received.	331	336	340	340	347	353	365	374
2a. Number of CNMPs under review.	219	229	216	213	214	193	170	179

Table 10: CAFO Registration Process (continued on next slide)

	8/19/11	9/9/11	9/16/11	9/23/11	11/7/11	1/3/12	2/27/12	3/26/12
2b. Number of CAFOs under public comments.	23	17	16	13	1	5	25	14
2c. Number of CAFOs registered under GD Permit.	89	81	108	114 (24%)	132 (28%)	155 (33%)	170 (37%)	181 (39%)
3. Number of CAFO sites that have submitted compliance schedules to date.	345	346	346	346	346	351	368	368
4. Number of CAFO sites with compliance schedules executed*	331	330	332	332	332	339	357	357

Table 10: CAFO Registration Process

	8/19/11	9/9/11	9/16/11	9/23/11	11/7/11	1/3/12	2/27/12	3/26/12
5. Number of CAFO sites that have submitted NOIs but are not yet registered and also do not have compliance schedules in force	Not requested					25?	15?	33

* Actual number of active CAFO sites with fully executed compliance schedules. Does not count withdrawn sites which may have signed compliance schedules but are no longer in operation, or combined facilities, or MAFO sites who have submitted compliance schedules when they were under CAFO status.

Table 11: CAFO Inspection Tracking

	FY10	FY11	FY12 Target	FY12 through 10/31	FY12 through 12/31/11	FY12 Through 2/27/12	FY12 Through 3/26/12
“Notified” (ie NOI submitted) CAFO AIs Inspected	49	58	240	57	83	109	125
“Notified” (ie NOI submitted) MAFO AIs Inspected	2	3	5	0	0	0	0
Non-notified Sites Inspected and Found to be CAFOs or MAFOs	1	37	25	2	2	2	2
Total Inspections Conducted (including sites found not to be CAFOs or MAFOs)	52	319	270	59	85	111	127
Minor Violations Found	5	76	N/A	16	16	27	42
Significant Violations Found	0	5	N/A	0	0	0	0

**Table 12: CAFO Sites That Have Submitted NOIs
But Are Not Yet Registered** *(continued on next slide)*

CAFOs, No Compliance Schedule and Not Registered Under 2009 General Permit	AI Number	CNMP Received Date	Status
Minh V. Ma/ The Good, The Bad, The Ugly	66770	25-Feb-09	Being Processed
Oakland View Farms LLC	66850	01-Feb-06	Being Processed
Myong Ja So/New World & Aden Farm	66971	05-Jan-10	Being Processed
William Reily Brown III/Maple Breeze & Beulah Winds	67151	03-Mar-09	Being Processed
Thomas Robert Leager Jr./T & L Leager	130376	03-Mar-10	Being Processed
Minh V. Ma/Green Farm	130889	25-Feb-09	Being Processed
Horizon Organic Dairy, LLC	22941	12-Apr-10	Individual Permit
Kilbys, Inc.	23560	25-Jun-10	1996 GP
Jacqui L. Rachor-Hornsby/Gods Country Harvest	66645	21-Apr-11	Public Comment
Donald Howard Farm	129277	19-Jan-12	Public Comment
William Vessey/M & C Vessey & Cuckoos Nest Farm	66766	25-Oct-10	Being Processed
Sandy Ridge Farm	66985	05-Apr-11	Being Processed
Timothy M. Wright/Muddybottom Farm	67124	03-Dec-10	Being Processed
James L. Kelbaugh	67138	11-Jun-10	Being Processed



**Table 12: CAFO Sites That Have Submitted NOIs
But Are Not Yet Registered** *(continued on next slide)*

CAFOs, No Compliance Schedule and Not Registered Under 2009 General Permit	AI Number	CNMP Received Date	Status
Loyal Purpose Farms	67148	10-Jun-11	Being Processed
Garvins Farm	67844	18-Mar-11	Being Processed
Jacobs Farm, Inc	67881	08-Jun-10	Being Processed
John Michael Nelson Farm	67925	29-Nov-10	Being Processed
Rizzi's Roost	68716	01-Mar-10	Being Processed
Ronald A. Rogala/Auction Acres	133164	04-Oct-10	Being Processed
Henry Spies IV/Take-A-Chance	132687	20-Oct-10	Being Processed
Harry J. West, III/West Acres	133002	12-Nov-10	Being Processed
Martin Vitelli	132850	29-Nov-10	Being Processed
Harry J. West, Jr./Double B Farm	133026	08-Dec-10	Being Processed
Barry Douglas Malpass/Overeasy-Kathy Too	132862	17-Dec-10	Being Processed
Nicolas Nemil/Ohana Agape Farm	133348	16-Feb-11	Being Processed



**Table 12: CAFO Sites That Have Submitted NOIs
But Are Not Yet Registered**

CAFOs, No Compliance Schedule and Not Registered Under 2009 General Permit	AI Number	CNMP Received Date	Status
Gilbert and Cynthia Beauchamp/Little Bits Farm	133508	22-Feb-11	Being Processed
Christopher S. Jester Farm	133227	01-Mar-11	Being Processed
W. Dean Murray/Heritage Farm	134432	31-May-11	Being Processed
Donald Davis	134494	01-Jun-11	Being Processed
Robert P. Saathoff Jr. Farm	133509	06-Jul-11	Being Processed



Table 13: LMA Enforcement Cases In OAG By Priority Level (continued on next slide)

Priority Category	11/15/10	3/28/11	9/26/11	12/12/11	2/16/12	3/26/12
5	Lead-4 SWP-0 OCP-5 HWP-0	Lead-5 SWP-0 OCP-5 HWP-0	Lead - 5 SWP - 0 OCP - 7 HWP - 0 Scrap Tires - 0 MP - 0	Lead SWP - 0 OCP - 2 HWP - 0 Scrap Tires - 0 Mining - 0	Lead - 4 SWP - 0 OCP - 2 HWP - 0 Scrap Tires Mining - 0	Lead - 2 SWP - 0 OCP - 0 HWP - 0 Scrap Tires - 2 Mining - 0 CAFO - 0 E-Cycling - 0
4	Lead-31 SWP-4 OCP-1 HWP-1	LEAD-29 SWP-3 OCP-1 HWP-1	Lead - 36 SWP - 5 OCP - 1 HWP - 1 Scrap Tires - 0 MP - 0	Lead - SWP - 6 OCP - 1 HWP - 1 Scrap Tires - 1 Mining - 0	Lead - 48 SWP - 5 OCP - 1 HWP - 1 Scrap Tires Mining - 0	Lead - 49 SWP - 7 OCP - 2 HWP - 1 Scrap Tires - 4 Mining - 0 CAFO - 0 E-Cycling - 0

Table 13: LMA Enforcement Cases In OAG By Priority Level (continued on next slide)

Priority Category	11/15/10	3/28/11	9/26/11	12/12/11	2/16/12	3/26/12
3	Lead-133 SWP-7 OCP-7 HWP-2	LEAD-119 SWP-20 OCP-8 HWP-2	Lead – 133 SWP – 21 OCP – 6 HWP – 3 Scrap Tires – 2 MP – 0	Lead - OSP – 0 SWP - OCP -11 HWP – 1 Scrap Tires - 2 MP – 0	Lead – 129 SWP – 21 OCP – 11 HWP – 0 Scrap Tires Mining –	Lead – 126 SWP – 22 OCP – 11 HWP – 0 Scrap Tires – 7 Mining – 0 CAFO – 1 E-Cycling – 0
2	Lead-86 SWP-3 OCP-5 HWP-4	LEAD-88 SWP-11 OCP-4 HWP-4	Lead – 93 SWP – 8 OCP – 4 HWP – 4 Scrap Tires – 2 MP – 0	Lead - SWP – 9 OSP – 0 HWP – 3 Scrap Tires - 2 MP – 0 OCP - 5	Lead – 92 SWP – 8 OCP – 5 HWP – 3 Scrap Tires Mining – 0	Lead – 91 SWP – 9 OCP – 3 HWP – 3 Scrap Tires – 4 Mining – 0 CAFO – 0 E-Cycling – 0
1	Lead –30 SWP-2 OCP-3 HWP-7	LEAD-26 SWP-1 OCP-5 HWP-3	Lead – 29 SWP – 1 OCP – 6 HWP – 3 Scrap Tires – 0 MP – 0	Lead - SWP – 1 OCP – 4 HWP – 1 Scrap Tires - 0 MP – 0	Lead – 25 SWP – 1 OCP – 4 HWP – 1 Scrap Tires Mining – 0	Lead – 28 SWP – 3 OCP – 6 HWP – 1 Scrap Tires – 0 Mining – 0 CAFO – 0 E-Cycling – 0

Table 13: LMA Enforcement Cases In OAG By Priority Level

Priority Category	11/15/10	3/28/11	9/26/11	12/12/11	2/16/12	3/26/12
No Priority Level Designated	Lead-0 SWP-0 OCP-0 HWP-0	LEAD-0 SWP-0 OCP-0 HWP-0	Lead – 0 SWP – 0 OCP – 0 HWP – 0 Scrap Tires MP – 0	Lead - SWP – 0 OCP - 0 HWP – 0 Scrap Tires - 0 MP – 0	Lead – 0 SWP – 0 OCP – 0 HWP – 2 Scrap Tires Mining – 0	Lead – 0 SWP – 0 OCP – 0 HWP – Scrap Tires – 0 Mining – 0 CAFO – 0 E-Cycling – 0
Total	Lead-284 SWP-16 OCP-21 HWP-14 Total-335	LEAD-267 SWP-35 OCP-23 HWP-10 Total-335	Lead – 296 SWP – 35 OCP – 24 HWP – 11 Scrap Tires – 4 MP – 0 Total - 370	Lead - SWP – 38 OCP – 23 HWP – 6 Scrap Tires - 5 MP – 0 Total -	Lead – 298 SWP – 35 OCP – 23 HWP – 7 Scrap Tires Mining – 0 TOTAL - 726	Lead – 296 SWP – 41 OCP – 25 HWP – 5 Scrap Tires – 17 Mining – 0 CAFO – 1 E-Cycling – 0 TOTAL – 767